

AMENDED IN ASSEMBLY APRIL 26, 2010

AMENDED IN ASSEMBLY APRIL 12, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2163

Introduced by Assembly Member Mendoza

February 18, 2010

An act to amend Section 4590 of the Public Resources Code, relating to forest practices.

LEGISLATIVE COUNSEL'S DIGEST

AB 2163, as amended, Mendoza. Forest practices: timber harvesting plans.

(1) The Z'Berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations, as defined, unless a timber harvesting plan prepared by a registered professional forester has been submitted to the Department of Forestry and Fire Protection, and approved. The act provides that a timber harvesting plan is effective for a period of not more than 3 years, unless extended as specified.

The act provides that a timber harvesting plan, on which work has commenced but not been completed, may be extended by amendment for a one-year period in order to complete the work, up to a maximum of 2 one-year extensions if 2 requirements are met. The act requires the notice of extension to include the circumstances that prevented a timely completion of the work under the plan and an agreement to comply with the specified law, rules, and regulations as they exist on the date the extension notice is filed.

The act allows, until January 1, 2012, an extension of a timber harvesting plan, on which timber operations have commenced but not been completed, by amendment for up to a maximum of 4 one-year extensions, if those 2 requirements are met, and in addition, the plan expired in 2008 or 2009, and the notice of extension includes written certification by a registered professional forester that listed species have not been discovered in the logging area of the plan since approval of the plan and significant physical changes to the harvest area or adjacent areas have not occurred since the plan’s cumulative impacts were originally assessed.

This bill would, in addition, allow up to a maximum of 4 one-year extensions, *including any other extension granted prior to January 1, 2010*, under those same conditions for a plan that was extended in 2008 or 2009.

(2) The act allows, until January 1, 2012, a timber harvesting plan that is approved on or after January 1, 2010, to December 31, 2011, inclusive, to be extended by amendment for a 2-year period in order to complete the timber operations, up to a maximum of 2 2-year extensions, if the plan complies with certain requirements.

This bill would remove the sunset date for the extension of these plans.

(3) Existing law, beginning January 1, 2012, provides that a timber harvesting plan is effective for a period of not more than 3 years, unless extended.

This bill would instead provide that, beginning January 1, 2012, a plan approved on or after January 1, 2012, is effective for a period not more than 3 years, unless extended.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4590 of the Public Resources Code, as
 2 amended by Section 1 of Chapter 269 of the Statutes of 2009, is
 3 amended to read:

4 4590. (a) (1) A timber harvesting plan is effective for a period
 5 of not more than three years, unless extended pursuant to paragraph
 6 (2).

7 (2) A timber harvesting plan, on which timber operations have
 8 commenced but not been completed, may be extended by

1 amendment for a one-year period in order to complete the timber
2 operations, up to a maximum of two one-year extensions, if both
3 of the following occur:

4 (A) Good cause is shown.

5 (B) All timber operations are in conformance with the plan, this
6 chapter, and all applicable rules and regulations, upon the filing
7 of the notice of extension as required by this section.

8 (b) The extension shall apply to any area covered by the plan
9 for which a report has not been submitted under Section 4585. The
10 notice of extension shall be provided to the department not sooner
11 than 30 days, but at least 10 days, prior to the expiration date of
12 the plan. The notice shall include the circumstances that prevented
13 a timely completion of the timber operations under the plan, written
14 certification by a registered professional forester that neither of
15 the conditions in subdivision (f) have occurred, and, consistent
16 with Section 4583, an agreement to comply with this chapter and
17 the rules and regulations of the board as they exist on the date the
18 extension notice is filed.

19 (c) Stocking work may continue for more than the effective
20 period of the plan under subdivision (a), but shall be completed
21 within five years after the conclusion of other work.

22 (d) Notwithstanding subdivision (a) and the submission of a
23 completion report pursuant to Section 4585, a timber harvesting
24 plan, on which timber operations have commenced but not been
25 completed, may be reopened and extended by amendment for up
26 to a maximum of four one-year extensions, *including any other*
27 *extension granted prior to January 1, 2010*, if the following
28 conditions have been met:

29 (1) The plan expired or was extended in 2008 or 2009.

30 (2) The plan complies with subparagraphs (A) and (B) of
31 paragraph (2) of subdivision (a).

32 (3) The notice of extension, pursuant to subdivision (b), includes
33 written certification by a registered professional forester that neither
34 of the conditions in subdivision (f) have occurred.

35 (e) A timber harvesting plan that is approved on or after January
36 1, 2010, to December 31, 2011, inclusive, may be extended by
37 amendment for a two-year period in order to complete the timber
38 operations, up to a maximum of two two-year extensions, if the
39 plan complies with subparagraphs (A) and (B) of paragraph (2) of
40 subdivision (a) and the notice of extension, pursuant to subdivision

1 (b), includes written certification by a registered professional
2 forester that neither of the conditions in subdivision (f) have
3 occurred.

4 (f) The department shall not approve an extension pursuant to
5 subdivision (e) if either of the following have occurred:

6 (1) Listed species, as defined in Article 1 (commencing with
7 Section 2050) of Chapter 1.5 of Division 3 of the Fish and Game
8 Code or the federal Endangered Species Act (16 U.S.C. Sec. 1531
9 et seq.), have been discovered in the logging area of the plan since
10 approval of the timber harvesting plan.

11 (2) Significant physical changes to the harvest area or adjacent
12 areas have occurred since the timber harvesting plan’s cumulative
13 impacts were originally assessed.

14 (g) An extension of a timber harvesting plan on which either of
15 the conditions in subdivision (f) has occurred may be obtained
16 only pursuant to Section 1039 of Title 14 of the California Code
17 of Regulations. Notwithstanding the notice provision of subdivision
18 (b) for purposes of this subdivision the notice of extension shall
19 be provided to the department, not sooner than 140 days, but at
20 least 10 days, prior to the expiration date of the plan.

21 (h) This section shall remain in effect only until January 1, 2012,
22 and as of that date is repealed, unless a later enacted statute, that
23 is enacted before January 1, 2012, deletes or extends that date.

24 SEC. 2. Section 4590 of the Public Resources Code, as added
25 by Section 2 of Chapter 269 of the Statutes of 2009, is amended
26 to read:

27 4590. (a) (1) A timber harvesting plan approved on or after
28 January 1, 2012, is effective for a period of not more than three
29 years, unless extended pursuant to paragraph (2).

30 (2) A timber harvesting plan, on which timber operations have
31 commenced but not been completed, may be extended by
32 amendment for a one-year period in order to complete the timber
33 operations, up to a maximum of two one-year extensions, if both
34 of the following occur:

35 (A) Good cause is shown.

36 (B) All timber operations are in conformance with the plan, this
37 chapter, and all applicable rules and regulations, upon the filing
38 of the notice of extension as required by this section.

39 (b) The extension shall apply to any area covered by the plan
40 for which a report has not been submitted under Section 4585. The

1 notice of extension shall be provided to the department not sooner
2 than 30 days, but at least 10 days, prior to the expiration date of
3 the plan. The notice shall include the circumstances that prevented
4 a timely completion of the timber operations under the plan and,
5 consistent with Section 4583, an agreement to comply with this
6 chapter and the rules and regulations of the board as these exist
7 on the date the extension notice is filed.

8 (c) Stocking work may continue for more than the effective
9 period of the plan under subdivision (a), but shall be completed
10 within five years after the conclusion of other work.

11 (d) A timber harvesting plan that is approved on or after January
12 1, 2010, to December 31, 2011, inclusive, may be extended by
13 amendment for a two-year period in order to complete the timber
14 operations, up to a maximum of two two-year extensions, if the
15 plan complies with subparagraphs (A) and (B) of paragraph (2) of
16 subdivision (a) and the notice of extension, pursuant to subdivision
17 (b), includes written certification by a registered professional
18 forester that neither of the conditions in subdivision (e) have
19 occurred.

20 (e) The department shall not approve an extension pursuant to
21 subdivision (d) if either of the following have occurred:

22 (1) Listed species, as defined in Article 1 (commencing with
23 Section 2050) of Chapter 1.5 of Division 3 of the Fish and Game
24 Code or the federal Endangered Species Act (16 U.S.C. Sec. 1531
25 et seq.), have been discovered in the logging area of the plan since
26 approval of the timber harvesting plan.

27 (2) Significant physical changes to the harvest area or adjacent
28 areas have occurred since the timber harvesting plan's cumulative
29 impacts were originally assessed.

30 (f) An extension of a timber harvesting plan on which either of
31 the conditions in subdivision (e) has occurred may be obtained
32 only pursuant to Section 1039 of Title 14 of the California Code
33 of Regulations. Notwithstanding the notice provision of subdivision
34 (b), for purposes of this subdivision the notice of extension shall
35 be provided to the department, not sooner than 140 days, but at
36 least 10 days, prior to the expiration date of the plan.

37 (g) This section shall become operative on January 1, 2012.

- 1
- 2 **CORRECTIONS:**
- 3 **Text—Page 3.**
- 4

O